

MORRISON & FOERSTER LLP  
MICHAEL A. JACOBS (Bar No. 111664)  
mjacobs@mofo.com  
MARC DAVID PETERS (Bar No. 211725)  
mdpeters@mofo.com  
DANIEL P. MUINO (Bar No. 209624)  
dmuino@mofo.com  
755 Page Mill Road, Palo Alto, CA 94304-1018  
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP  
DAVID BOIES (Admitted *Pro Hac Vice*)  
dboies@bsfllp.com  
333 Main Street, Armonk, NY 10504  
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300  
STEVEN C. HOLTZMAN (Bar No. 144177)  
sholtzman@bsfllp.com  
1999 Harrison St., Suite 900, Oakland, CA 94612  
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460  
ALANNA RUTHERFORD  
575 Lexington Avenue, 7th Floor, New York, NY 10022  
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

ORACLE CORPORATION  
DORIAN DALEY (Bar No. 129049)  
dorian.daley@oracle.com  
DEBORAH K. MILLER (Bar No. 95527)  
deborah.miller@oracle.com  
MATTHEW M. SARBORARIA (Bar No. 211600)  
matthew.sarboraria@oracle.com  
500 Oracle Parkway, Redwood City, CA 94065  
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ORACLE'S  
MOTION TO EXCLUDE PORTIONS OF  
THE RULE 706 EXPERT REPORT OF  
DR. JAMES KEARL**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file the following portions of its Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl under seal, for the reasons stated in the accompanying Declaration of Deborah K. Miller:

- The following portions of Exhibit E to the Declaration of Meredith Dearborn In Support Of Oracle’s Motion To Exclude Portions of the Rule 706 Expert Report Of Dr. James Kearl (“Dearborn Decl.”):
  - Kearl Report ¶¶ 21, 29, 30, parts of 46, parts of 50, parts of 55, parts of 58, 62, 63, parts of 64, parts of 65, parts of 66, the list in 68, parts of 69, parts of 70, parts of 71, parts of 73, 75, parts of 76, parts of 77, parts of 78, parts of 81, and the entirety of Section J (paragraphs 87–96 and footnotes 45–51, with the exception of certain sentences relating exclusively to Android revenues), 107, parts of 109, parts of 111, parts of 114, parts of 125, parts of 127, 129, 130, 132, 133, parts of 134, parts of 135, parts of 136, parts of 137, parts of 138, parts of 141, parts of 143, 144, 145, 146, 147, 148, parts of 149, 150, parts of 153, 155, 159; and parts of 167;
  - Kearl Report footnotes 31, 42, 44, parts of footnote 63, parts of footnote 91; and parts of 155;
  - Kearl Report Appendix D ¶¶ parts of 184 (1), 184(2), parts of 184(4), 184(5), 184(6), 184(7), parts of 185(1), 185(3), parts of 186, parts of 191, and parts of 192;
  - Kearl Report Tables 1, 2, 5, 6, 7 and 10
- The following portions of Exhibit F to the Dearborn Decl.:
  - Kearl Dep. 31:2–34:3; 34:22–35:4; 43:1–25; 47:10–25; 49:2–52:8; 52:15; 53:3–7; 53:13–54:21; 54:21–54:25; 55:2–10; 55:14–56:7; 57:15–23; 60:6–10, 17–21; 61:21–22; 66:4–13; 67:4–7; 177:11–20; 127:5–25; 129:4–14; 130:9–131:1; 131:6–133:13; 134:8–139:12; 140:22–141:8; 143:7–11; 144:24–145:7; 146:2–10; 180:20–181:8; 182:4–188:6; 189:9–23; 189:23–191:22; 218:2–25; 220:20–221:8; and 222:24–223:10.

As described in the Declaration of Deborah K. Miller, the selected materials contain sensitive, non-public information that could cause competitive harm to Oracle if made public.

Additionally, the Order Approving Stipulated Protective Order Subject to Stated Conditions entered in this case (Dkt. No. 68) dictates that when material has been designated as Confidential or Highly Confidential – Attorney’s Eyes Only, a party may not file it in the public record, but must seek to file it under seal pursuant to Local Rule 79-5. (December 17, 2010 Stipulated Protective Order

(Docket No. 66) § 14.4.) Accordingly, Oracle seeks to file under seal those portions of the motion and declarations in support thereof referencing documents that Google has designated Confidential or Highly Confidential – Attorneys’ Eyes Only:

- The redacted portions of Oracle’s Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl;
- Exhibits B, C, and D to the Dearborn Decl.;
- The balance of Exhibit E to the Dearborn Decl., other than those portions specifically alluded to above and in the accompanying Declaration of Deborah K. Miller; and
- The balance of Exhibit F to the Dearborn Decl., other than those portions specifically alluded to above and in the accompanying Declaration of Deborah K. Miller.

Oracle states no position as to whether disclosure of materials marked by Google as Confidential or Highly Confidential – Attorneys’ Eyes Only material would cause harm to Google.

Dated: April 2, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /Steven C. Holtzman  
Steven C. Holtzman

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.